



Log # 2021-0001095

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On March 27, 2021, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant Michael Olbirsch, #1380, alleging misconduct by a member of the Chicago Police Department (CPD). Complainant [REDACTED] alleged that on March 26, 2021, off-duty Officer Leon Davis, #10780, threatened to slam [REDACTED] brother [REDACTED] to the floor if he attempted to leave the residence and engaged in an unjustified physical altercation with [REDACTED] by pinning her against a wall, grabbing her and/or pushing her down the stairs, and/or pushing her against a door. COPA also issued Officer Davis the allegation of failing to notify CPD that he was served with an Order of Protection as required by SO8-01-10.II.L.2a. Upon review of the evidence, COPA served the allegations to Officer Davis. Following its investigation, COPA reached a Not Sustained finding for the first two allegations and a finding of Unfounded for the third allegation.

### II. SUMMARY OF EVIDENCE<sup>2</sup>

Officer Davis's [REDACTED] is the [REDACTED] of [REDACTED] and [REDACTED]<sup>3</sup> [REDACTED] is Officer Davis and [REDACTED] Officer Davis owns a multi-unit building where [REDACTED] and the [REDACTED] lived at the time of this incident. During this incident, [REDACTED] called [REDACTED] and told her their [REDACTED] was being belligerent to him and that he wanted to leave. [REDACTED] sent an Uber for [REDACTED] to go to the residence of [REDACTED] their [REDACTED] When [REDACTED] called [REDACTED] to inform him the Uber was outside, Officer Davis took the phone, told [REDACTED] that [REDACTED] was not going anywhere, and terminated the call. [REDACTED] and [REDACTED] then drove to pick up [REDACTED] themselves. Once they arrived, [REDACTED] would not allow [REDACTED] to go with them. This led to an argument between [REDACTED] and [REDACTED] and later a physical struggle between [REDACTED] and [REDACTED] Officer Davis pushed [REDACTED] away from [REDACTED] Officer Davis grabbed [REDACTED] pinned her against the hallway wall, and guided her down five stairs and out of the building. During this altercation, [REDACTED] called the police.

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, third-party video, police reports, civilian interviews, and officer interviews.

<sup>3</sup> At the time of this incident, [REDACTED] was 22 years old and [REDACTED] was 16 years old.

Responding Officers provided [REDACTED] with case reports, information to obtain an Order of Protection, and contact information for the Department of Children and Family Services (DCFS). [REDACTED] sustained bruising to her left arm as a result of Officer Davis grabbing her, but she did not seek medical treatment.

[REDACTED] provided photos of her injury<sup>4</sup> and a video<sup>5</sup> that was recorded by [REDACTED]. The photos show what appears to be a small scratch on [REDACTED] left cheekbone and an abrasion on her left bicep. The 15 second video shows [REDACTED] and Officer Davis standing in close proximity to each other having a verbal exchange. Officer Davis is pointing his index finger toward [REDACTED] it is unclear if Officer Davis is grabbing [REDACTED] with his right hand.

In a statement to COPA, Witness [REDACTED] essentially corroborated [REDACTED] account of the incident. In addition, [REDACTED] related that Officer Davis attempted to restrain [REDACTED] and [REDACTED] from fighting. Officer Davis pinned [REDACTED] against the hallway wall momentarily and then swung her downstairs. [REDACTED] believes [REDACTED] scratched [REDACTED] on her face when she swung at her. [REDACTED] related that [REDACTED] has been living with her for the past 8 months due to her estranged relationship with [REDACTED].

[REDACTED] and Officer Davis called 911 and reported that [REDACTED] was causing a disturbance that led to a domestic incident between [REDACTED] and [REDACTED]. [REDACTED] also called 911 and reported that Officer Davis and [REDACTED] were attacking [REDACTED] in that Officer Davis had slammed [REDACTED] against the hallway wall and threatened to harm [REDACTED].<sup>8</sup>

Officers responded to a call of a domestic disturbance. Officer Davis informed the Officers that he was visiting [REDACTED] when [REDACTED] arrived on the scene irate, with the intention of removing [REDACTED] from his residence. When Officer Davis opened the door to speak with [REDACTED] she chest bumped into him. [REDACTED] informed the Officers that [REDACTED] pushed and swung at her, causing her to sustain a minor laceration under her eye. [REDACTED] informed the Officers that she attempted to talk to [REDACTED] but [REDACTED] pushed her away. Officer Davis then grabbed [REDACTED] by the shoulders and held her against the wall. All parties refused medical attention. [REDACTED] granted Officer Davis permission to take [REDACTED] with him for the night. Due to there being mutual combatants, Officers were unable to determine who the primary aggressor was, and no arrest were made.<sup>9</sup>

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<sup>4</sup> Atts. 26-30

<sup>5</sup> Att. 25

<sup>6</sup> Att. 10

<sup>7</sup> Att. 13

<sup>8</sup> Att. 12

<sup>9</sup> Att. 5

Body Worn Camera captured Officers obtaining the involved parties' account of the incident and providing them with Case Reports.<sup>10</sup>

██████████ petitioned and received an Emergency Order of Protection on April 13, 2021, effective until May 4, 2021. Officer Davis was served an Order of Protection on April 14, 2021, at the Bureau of Internal Affairs by Sergeant Gabriel Flores, #2129. The Order was vacated on May 4, 2021, because ██████████ was not in court. She did not wish to pursue criminal charges against Officer Davis and felt the Order was no longer needed.<sup>11</sup>

In a statement to COPA, Officer Davis<sup>12</sup> related that earlier in the day he received a call from ██████████. ██████████ wanted Officer Davis to speak to ██████████ because she had accused ██████████ of leaving the apartment. Officer Davis spoke to ██████████ and confirmed that ██████████ was at her apartment. Officer Davis informed ██████████ of the confirmation. Officer Davis observed ██████████ on the telephone and asked ██████████ who he was speaking with, ██████████ replied ██████████. Officer Davis asked to speak with ██████████. During their brief conversation, ██████████ stated to Officer Davis that ██████████ was coming to ██████████ residence. When Officer Davis handed the phone back to ██████████ he accidentally terminated the call. Officer Davis went upstairs to ██████████ second floor apartment.

Later, Officer Davis heard yelling in the hallway and went to see what was happening. Officer Davis observed ██████████ yelling and waving her hand at ██████████. In an attempt to de-escalate the situation, Officer Davis called ██████████ name, but she didn't respond. Officer Davis then placed his hand atop ██████████ hand. Officer Davis suggested to ██████████ that they go outside and talk. ██████████ raised her hand in an aggressive manner, pinning Officer Davis's hand against the wall. Officer Davis removed his hand from the wall and instructed ██████████ to call the police. ██████████ came downstairs and a verbal altercation ensued between her and ██████████. Officer Davis, who was standing between the two, gestured to ██████████ that everything was okay.

██████████ pushed Officer Davis aside and grabbed ██████████ hand. ██████████ proceeded to poke ██████████ in the eye and pinned her against the wall. Officer Davis grabbed ██████████ by her left and right arms and held them down by her side. Officer Davis used his body to separate ██████████ from ██████████. Officer Davis instructed ██████████ to go to ██████████ apartment, as ██████████ attempted to attack her. As Officer Davis carried ██████████ downstairs, ██████████ grabbed onto the stair rail and broke away from Officer Davis's grasp. Thereafter, ██████████ and ██████████ exited the building.

Officer Davis denied the allegations alleged against him. Officer Davis stated that he does not recall the exact words he stated to ██████████ but related that ██████████ was

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<sup>10</sup> Att. 33

<sup>11</sup> Atts. 19, 34 (pages 6 and 7), 38

<sup>12</sup> Att. 36

being disrespectful and that he did make a statement to de-escalate the situation so that [REDACTED] understood that Officer Davis was not going to be a victim of an assault. When [REDACTED] showed photos of [REDACTED] alleged injury, Officer Davis had no knowledge as to how the injury was sustained. Officer Davis stated that he was served the Order of Protection at CPD Headquarters by Bureau of Internal Affairs (BIA), and therefore the Department was aware of the Order of Protection.

### III. ALLEGATIONS

#### Officer Leon Davis:

It is alleged that on or about March 26, 2021, at approximately 10:30pm, at or near [REDACTED], Officer Davis committed misconduct through the following act or omission:

1. *Threatening [REDACTED] by stating words to the effect that you would "slam him on the floor" if he attempted to leave the residence.*
  - Not Sustained

It is alleged that on or about March 26, 2021, at approximately 11:0pm, at or near [REDACTED], Officer Davis committed misconduct through the following act or omission:

2. *Engaging in an unjustified physical altercation with [REDACTED] by pinning her against a wall; and/or grabbing her; and/or pushing her down the stairs, and/or pushing her against a door.*
  - Not Sustained

It is alleged that on or about April 14, 2021, at approximately 3:40pm, at or near [REDACTED], Officer Davis committed misconduct through the following act or omission:

3. *Failing to notify the Chicago Police Department that he was served with Order of Protection # [REDACTED] as required by SO8-01-10.II.L.2.a.*
  - Exonerated

### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements. There were many similarities in the accounts from Officer Davis, [REDACTED] and [REDACTED] COPA believes the differences come not from one of the parties being dishonest, but from them perceiving the situation slightly differently.

### V. ANALYSIS

COPA finds Allegation #1 against Officer Davis that he threatened [REDACTED] by stating words to the effect that he would “slam him on the floor” if he attempted to leave the residence **Not Sustained**. It is essentially [REDACTED] and [REDACTED] words against the words of Officer Davis. Officer Davis stated that he did make a comment to [REDACTED] to de-escalate the situation because [REDACTED] was being disrespectful. However, Officer Davis could not recall the exact words he stated to [REDACTED]. There is insufficient evidence to either prove or disprove this allegation.

COPA finds Allegation #2 against Officer Davis that he engaged in an unjustified physical altercation with [REDACTED] by pinning her against a wall; and/or grabbing her; and/or pushing her down the stairs, and/or pushing her against a door **Not Sustained**.

Officer Davis intervened in an attempt to keep the peace between [REDACTED] and [REDACTED]. In the process of doing so, Officer Davis physically restrained both individuals. In his statement, Officer Davis described the restraint he used to keep both individuals apart. Officer Davis admitted that he grabbed [REDACTED] by her arms and carried her downstairs. The actions of Officer Davis appear to be interpreted differently by [REDACTED]. However, the actions of Officer Davis do not appear to be excessive or malicious. There is insufficient evidence to either prove or disapprove whether these actions amounted to misconduct.

Based on the totality of the circumstances, Officer Davis was attempting to maintain the peace between his [REDACTED] and his [REDACTED]. The domestic dispute was between those two and Officer Davis intervened when their verbal altercation became physical. Officer Davis attempted to restrain both parties under the circumstances. There is no evidence to support that Officer Davis used excessive force or malice in restraining both parties. Officer Davis physical actions are perceived differently by [REDACTED] but she and [REDACTED] admitted that basically Officer Davis was attempting to keep the peace and nothing more.

COPA finds Allegation #3 against Officer Davis that he failed to notify the Chicago Police Department that he was served with Order of Protection # [REDACTED] as required by SO8-01-10.II.L.2.a is **Exonerated**. Although Officer Davis did not make notification about this Order, he first learned of it when he was served with the Order of Protection at CPD Headquarters by Sergeant Gabriel Flores of BIA. Therefore, CPD was already aware/notified of the Order of Protection and he did not need to make further notification.

Approved:

[REDACTED]

June 21, 2024

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Shannon Hayes  
*Director of Investigations*

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Date

Appendix ACase Details

Date/Time/Location of Incident:	March 26, 2021, 11:30 PM, [REDACTED] [REDACTED]
Date/Time of COPA Notification:	March 27, 2021, 1:05 AM
Involved Member #1:	Leon Davis, Star# 10780, employee # [REDACTED], Date of Appointment: May 10, 1999, Unit of Assignment: Medical Section, Male, Black
Involved Individual #1:	[REDACTED] Female, Black
Involved Individual #2:	[REDACTED] Female, Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- Special Order 08-01-10: Special Situations Involving Allegations of Misconduct (applicable April 8, 2019-present)

## Appendix B

### **Definition of COPA’s Findings and Standards of Proof**

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.<sup>13</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>14</sup>

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<sup>13</sup> See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

<sup>14</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation